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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,171	08/30/2006	Hideo Hashimoto	5024-0103PUS1	6043

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EXAMINER
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WALDBAUM, SAMUEL A

ART UNIT	PAPER NUMBER
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1792

NOTIFICATION DATE	DELIVERY MODE
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09/24/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/591,171	<b>Applicant(s)</b> HASHIMOTO, HIDEO	
	<b>Examiner</b> SAMUEL A. WALDBAUM	<b>Art Unit</b> 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 8/30/06.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☒ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/30/06, 6/10/08</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 8 and 9 rejected under 35 U.S.C. 102(b) as being anticipated by Nagel (U.S. 3,866,731, hereafter `731).**

2. Claims 1, 8 and 9: `731 teaches a horizontal cylindrical washing machine (fig. 2) that has a door (fig. 1, part 3, where the door inherently seals the wash basket to keep the washing fluid in the machine). `731 teaches a wash cycle (col. 1, lines 10-20), hence it is inherent that the fluid is provided to the drum, in order to wash the laundry within the drum, where the clothes are placed inherently are placed in the inner rotatable basket of the washing machine (part 8, rotatable tub), where the tub is rotated at a low rate of speed to wash the clothes after they are placed in the tub (col. 1, lines 10-20), where it is inherent that the clothes are maintained at near-zero gravity in the tub since the method steps are exactly the same (col. 1, lines 10-20). `731 also teaches that the drum is rotated in one direction intermittently (col. 1, lines 10-20, states that the drum is reverses directions intermittently, thus operates in one direction intermittently) and a pressure change device (col. 3, lines 1-10, teaches uses of pumps and valves which changes the pressure of the liquid and the container).

Art Unit: 1792

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 2-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagel (U.S. 3,866,731), in view of Parker (U.S. 1,641,780, hereafter `780).**

`731 teaches all the limitations of claim 1.

5. Claims 2 and 3: `731 teaches that the drum is rotated at 60 rpm (col. 1, lines 10-20). `731 does not specify the dimensions (diameter) of the washing basket. It would have been obvious to one having ordinary skill in the art at the time the invention was made to optimize the diameter of the washing basket to allow the most laundry to be washed at one time under the conditions of the different mechanical components (pumps, water supply, electrical needs, motor), since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA).

Art Unit: 1792

`731 does not teach a waver pattern formed on the surface of the spin basket only the circumferential direction. `780 is a spin tubs for laundry. `780 teaches a sine wave structure in the circumferential direction of the spin basket (fig. 1, clearly shows that the spin basket has a sine waver structure form in the circumferential direction of the tub, where the protrusions are in the radial direction of the tub) thus the sine-waver structure/corrugations give a greater strength to the basket (col. 25-50). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have placed a sine-wave structure/corrugations taught by `780 mounted on the inner part of the spin basket of apparatus `731 to have strengthened the spin basket.

6. Claim 4: `731 teaches that the drum is reversed intermittently at a rate of 60 rpm (col. 1, lines 10-20).

7. Claims 5-7: `780 teaches that the sine-wave protrusions are parallel to the other protrusions at a constant interval (fig. 1). `731 in view of `780 does not set the dimensions of the protrusion with respect to the diameter of the tub. It would have been obvious to one having ordinary skill in the art at the time the invention was made to made the height of the protrusion 3.0-6.0% of the diameter of the tub since the higher the protrusions the more material would be required, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA).

It would have been obvious matter of design choice to have made the height of the protrusion 3.0-6.0% of the diameter of the tub, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

Art Unit: 1792

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAMUEL A. WALDBAUM whose telephone number is (571)270-1860. The examiner can normally be reached on M-TR 6:20-3:50, F 6:30-10:30 est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cleveland can be reached on 571-272-1418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. A. W./  
Examiner, Art Unit 1792

/FRANKIE L. STINSON/  
Primary Examiner, Art Unit 1792